

14 FEB 2003



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In re Application of  
ANDRE BEAULIEU, ET AL.  
Appl. No.: 10/049,992  
PCT No.: PCT/CA00/00953  
Int. Filing Date: 21 August 2000  
Priority Date: 20 August 1999  
Agent's File Reference: BEAU 4 US  
For: SOLID WOUND HEALING  
FORMULATIONS CONTAINING  
FIBRONECTIN

DECISION UNDER  
37 CFR 1.181

This Office is in receipt of applicants' 07 February 2003 communication, which is being treated as a petition under 37 CFR 1.181 requesting that the copy of the Declaration filed with the present petition be accepted in lieu of the original purportedly filed on 13 November 2001. No petition fee is required. The petition is **DISMISSED**.

### **BACKGROUND**

On 19 February 2002, applicants filed U.S. application 10/049,992 as a national stage entry of international application PCT/CA00/00953, which claimed priority to a U.S. application filed 21 August 1999. An unsigned declaration was filed with the application papers.

On 07 February 2003, applicants filed the present petition forwarding, inter alia, a purported copy of the declaration executed in accordance with 37 CFR 1.497 accompanied by a copy of the return receipt postcard indicating a receipt date of 07 October 2002. The copy of the postcard receipt does not specifically itemize a signed declaration.

### **DISCUSSION**

MPEP at section 503 provides that:

*"A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."*

A review of the papers filed with the present petition reveals that the copy of the return

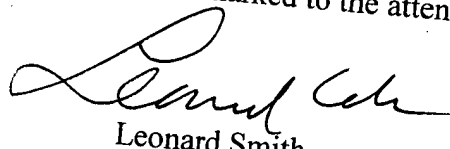
receipt postcard does not itemize the declaration. Consequently, the return receipt postcard filed with the present petition does not serve as *prima facie* evidence of receipt in the Office of the declaration.

**CONCLUSION**

Accordingly, applicants' petition to enter the copy of the declaration purportedly filed on 07 October 2002 in lieu of the original is **DISMISSED without prejudice.**

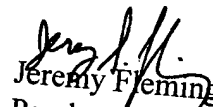
Any reconsideration on the merits of this petition must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181". No petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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